

MOORE COUNTY PLANNING BOARD
THURSDAY, August 2, 2018, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of July 5, 2018
- C. Consideration of Abstentions

III. PUBLIC HEARINGS

1. **Conditional Use Permit Request: School located on the same lot as a church (1305 Hulsey Rd) – Darya Cowick**
Lee McKinney, Pastor of New Covenant Fellowship of Carthage, NC is requesting a Conditional Use Permit for a school located on the same lot as a church located at 1305 Hulsey Rd, Carthage, further described as New Covenant Fellowship Church, owned by New Covenant Fellowship of Carthage, NC per Deed Book 3787, Page 591.
2. **Moore County Planning Staff is requesting the following amendments to the Moore County Unified Development Ordinance - Theresa Thompson**
Moore County Planning Staff is requesting to amend the Moore County Unified Development Ordinance to include required project team review meetings, electronic gaming operations, accessory manufactured homes, mini-warehouses, zoning decision signs, non-residential screening requirements, front lot line and setback definitions, and the following major subdivisions related section: street signs, cluster mailboxes, review approval steps, subdivision decision sign, marginal access streets, and plat requirements.

IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger

V. BOARD COMMENT PERIOD - Chairman Nobles

VII. UPCOMING EVENTS

- Tuesday, August 7, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, August 21, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

- **Thursday, September 6, 2018 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

VIII ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

Please see attached procedures for the Public Comment Period and public comment during Public Hearing

PUBLIC COMMENT PROCEDURES MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, JULY 5, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eddie Nobles (Chairman), Joe Garrison (Vice Chair), Harry Huberth, David Lambert, Jeffery Gilbert, Bobby Hyman, Matthew Bradley, John Matthews

Board Members Absent: John Cook

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Senior Planner
Darya Cowick, Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

Chairman Eddie Nobles called the meeting to order at 6:00 pm.

INVOCATION

Board Member Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Matthew Bradley led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of June 7, 2018
- C. Consideration of Abstentions

Board Member Joe Garrison made a motion to approve the consent agenda. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously (8-0).

ELECT PLANNING BOARD VICE-CHAIR

A motion was made by Board Member Harry Huberth to elect Board Member Joe Garrison to act as Moore County Planning Board Vice-Chair as long as he is willing. Board Member Joe Garrison accepted the nomination, the motion was seconded by Board Member David Lambert and the motion passed unanimously (8-0).

PUBLIC HEARING

Chairman Nobles recessed as the Planning Board to act as the Watershed Review Board.

WATERSHED REVIEW BOARD

Public Hearing #1 – Special Non-Residential Intensity Allocation (SNIA): Longleaf Pines Storage LLC.

Senior Planner Theresa Thompson presented to the Board a request for Longleaf Pines Storage, LLC seeking a Special Non-Residential intensity Allocation (SNIA) to increase the maximum built-upon area to 50.1% on a property located at 6500 NC 211 Hwy, West End, NC owned by Robert High Development LLC, to construct a Mini-Warehouse located on a 6.82 acre property. The request is to construct a one (1) story 47,600 square foot, 305 units with paved parking. Mrs. Thompson provided the Board with the property background and explained to the board how staff organizes and keep track of past, current, and future watershed balance allocations.

Moore County staff recommends to the Board approval of the SNIA request as it meets all UDO requirements and to make the following motion: Motion to approve the Special Non-Residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 50.1% on the property located at 6500 NC Hwy 211, West End NC owned by Robert High Development, LLC.

Board Chair Eddie Nobles opened the public comment period calling upon Neal Smith whom has signed up to speak at the Public Hearing.

Mr. Smith introduced himself as the engineer and the designer that worked on the project and can answer any questions as needed.

Board Member Huberth inquired about the access road to the mine.

Mrs. Thompson referred to the site plan indicating there was an easement down the property line in place for access to the property at the end of the railroad track.

Board Member Nobles inquired if the project would be constructed in two phases.

Mrs. Thompson indicated a proposed future phase had not been submitted at this time and is unknown if there would be a future phase, however impervious totals had been calculated by staff for future phases if needed.

Chairman Nobles closed the public hearing for Board discussion.

With no further discussion Board Member Joe Garrison made a motion to approve the Special Non-Residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 50.1% on the property located at 6500 NC Hwy 211, West End NC owned by Robert High Development, LLC. The motion was seconded by Board Member Jeff Gilbert; the motion passed unanimously 8-0.

Chairman Nobles adjourned the meeting as Watershed Review Board and reconvened as Planning Board.

OTHER BOARD MATTERS

Ms. Ensminger provided the Board with an update to the Major Subdivision discussion held during the June 7th Planning Board meeting. The Board of Commissioners will discuss this item further during the upcoming fall retreat work session. Staff will provide the BOC with all facts and specifications needed for the BOC to provide future direction.

Mr. Gilbert inquired if Pinehurst would submit their ETJ request before the August Planning Board meeting.

Ms. Ensminger indicated she has been in conversation with the Pinehurst Planning Director and has been told this item would be on their July 10, 2018 work session as well as on their July 24, 2018 meeting. At this time Moore County has not received an application request therefore it will not be on the August Planning Board meeting.

Mr. Garrison asked if any previous applicants that have been through the Planning Board process if the ETJ expansion would affect the boards previous decisions.

Ms. Ensminger explained that previous applicants that have gone through the Planning Board process would be grandfathered and would not affect their ability to move forward.

PLANNING DEPARTMENT REPORTS

No additional updates.

BOARD COMMENT PERIOD

Mr. Huberth thanked staff for providing the board with visuals as it has been very helpful.

Mr. Lambert asked if the upcoming Subdivision Review Board meeting was a public meeting.

Ms. Ensminger reiterated the upcoming Subdivision Review Board meeting was a public meeting and the agenda item is Fox Grove Subdivision Phase 2.

ADJOURNMENT

Board Member Joe Garrison made a motion to adjourn the July 5, 2018 regular meeting. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 8-0.

Respectfully submitted by,

Stephanie Cormack

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Director

DATE: June 26, 2018

SUBJECT: Conditional Use Permit Request: School located on the same lot as a church (1305 Hulsey Rd)

PRESENTER: Darya Cowick

REQUEST

Lee McKinney, Pastor of New Covenant Fellowship of Carthage, NC is requesting a Conditional Use Permit for a school located on the same lot as a church located at 1305 Hulsey Rd, Carthage, further described as New Covenant Fellowship Church, owned by New Covenant Fellowship of Carthage, NC per Deed Book 3787, Page 591.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

- Current land use –The New Covenant Fellowship Church, which also includes a pre-school and daycare.
- Adjacent land uses – Crop land, low density single family residential (Forest Ridge Subdivision & Cabin Branch Subdivision), New Century Middle School, and Union Pines High School.

REQUIRED FINDINGS

In recommending the Conditional Use Permit the following findings must be met:

1. The use will not materially endanger the public health or safety;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining property unless the use is a public necessity;
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. The use will be in general conformity with the approved Moore County Land Use Plan.

APPLICATION REVIEW COMMENTS

The proposed site plan meets all Unified Development Ordinance requirements.

RECOMMENDATION

Staff recommends the Moore County Planning Board make the following motion:

Motion: Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the Conditional Use Permit for a school located on the same lot as a church located at 1305 Hulsey Rd, Carthage, owned by New Covenant Fellowship of Carthage, NC per Deed Book 3787, Page 591.

ATTACHMENTS

- Photos of Property
- Land Use Map
- Conditional Use Permit Application with Submitted Site Plan
- Deed Book 3787, Page 591

View subject property from Hulsey Rd



View of subject property



View of undeveloped part of subject property



Adjacent property – Forest Ridge Subdivision



Adjacent Property – 1805 Union Church Rd



Adjacent Property – 1840 Union Church Rd



Land Use Map

New Century Middle School

Cabin Branch
Subdivision

MAGNOLIA HILL

Forest Ridge Subdivision

TIMBERWOOD

Forest Ridge Subdivision

WOODED ACRE

PINEMERE

Undeveloped

Single Family
Dwelling

HULSEY

Agricultural Land

UNION CHURCH

Single Family
Dwelling

Single Family
Dwellings

GRADY

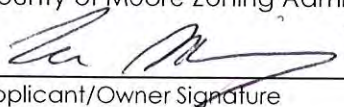
Union Pines
High school

County of Moore Planning and Transportation

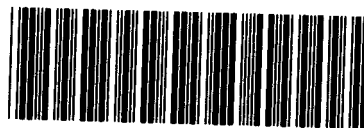


Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Transportation: (910) 947-3389

Conditional Use Permit Application

Application Date: <u>June 1, 2018</u>			
Location/Address of Property: <u>1305 Hulsey Road, Carthage, NC 28327</u>			
Applicant: <u>New Covenant Fellowship</u>		Phone: <u>910-947-1412</u>	
Applicant Address: <u>Same as above</u>	City: <u> </u>	St: <u> </u>	Zip: <u> </u>
Owner: <u>New Covenant Fellowship</u>		Phone: <u>910-947-1412</u>	
Owner Address: <u>Same as above</u>	City: <u> </u>	St: <u> </u>	Zip: <u> </u>
Current Zoning District: <u>RA</u>		Proposed Use: <u>Christian School</u>	
Comments: <u>We will start a christian school on the campus of New Covenant Fellowship</u> <u>we will add 1 grade each year thru 8th grade. New Covenant Fellowship</u> <u>currently has enough building space to house the school.</u>			
<p>I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Applicant/Owner Signature </div> <div style="text-align: center;"> <u>6-1-18</u> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 20px;"> <div style="text-align: center;"> Applicant/Owner Signature </div> <div style="text-align: center;"> Date </div> </div>			
Office Use Only: PAR ID: <u>2003 0311</u> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="text-align: center;"> <u>Danya Cowick</u> Received By </div> <div style="text-align: center;"> <u>6-7-2018</u> Date </div> </div>			

FOR REGISTRATION REGISTER OF DEEDS
 Judy D. Martin
 Moore County, NC
 October 12, 2010 03:26:48 PM
 Book 3787 Page 591-597
 FEE: \$37.00
 INSTRUMENT # 2010013689



INSTRUMENT # 2010013689

Prepared By: Hurley E. Thompson, Jr., Carthage, NC 28327
 Tax Address: 1305 Hulsey Road Carthage, NC 28327
 NO TITLE EXAMINATION

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made and entered into this the 11th day of October 2010, by and between **Donald E. Gaddy, Edgar B. Shuck, Willard R. Dunlop, Jr., Mark Hickey and Eric Barto as Trustees of New Covenant Fellowship**, (hereafter "GRANTOR"), - TO - **New Covenant Fellowship of Carthage, NC, a North Carolina Non-Profit Corporation**, (hereafter "GRANTEE");

W I T N E S S E T H :

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in Carthage Township, Moore County, North Carolina, more particularly described as follows:

Being all of Tract 3, containing 10.44 acres, more or less, as shown, indicated and designated by that certain plat or map recorded in Plat Cabinet 11, Slide 215, Moore County Registry, Carthage, NC and to which reference is hereby made.

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended; (ii) such matters, provisions and

reservations as are shown on the above plat, if any; (iii) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (iv) utility easements of record.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

IN WITNESS WHEREOF the said Grantor, has hereunto set his hand, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

Donald E. Gaddy
Donald E. Gaddy, Trustee

NORTH CAROLINA

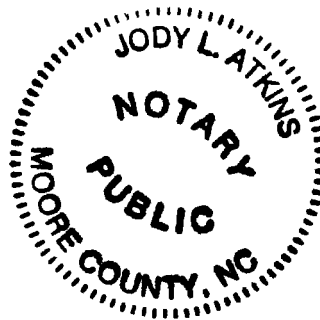
MOORE COUNTY

I, JODY L. ATKINS, a Notary Public of the County and State aforesaid, certify that Donald E. Gaddy, as Trustee of New Covenant Fellowship personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 12th day of October 2010.

Jody L. Atkins (SEAL)
NOTARY PUBLIC

My commission expires: 09/30/2013.



IN WITNESS WHEREOF the said Grantor, has hereunto set his hand, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

Edgar B. Shuck
Edgar B. Shuck, Trustee

NORTH CAROLINA

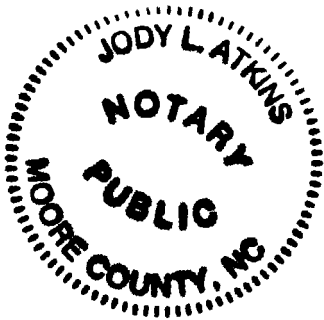
MOORE COUNTY

I, JODY L. ATKINS, a Notary Public of the County and State aforesaid, certify that Edgar B. Shuck, as Trustee of New Covenant Fellowship personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 11th day of October 2010.

Jody L Atkins (SEAL)
NOTARY PUBLIC

My commission expires: 09/30/2013.



IN WITNESS WHEREOF the said Grantor, has hereunto set his hand, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

Willard R. Dunlop, Jr.
Willard R. Dunlop, Jr., Trustee

NORTH CAROLINA

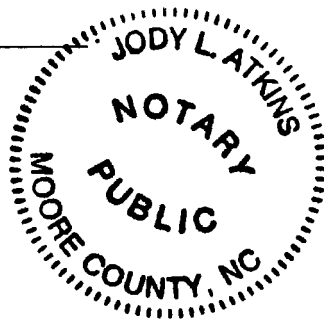
MOORE COUNTY

I, JODY L. ATKINS, a Notary Public of the County and State aforesaid, certify that Willard R. Dunlop, Jr., as Trustee of New Covenant Fellowship personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 11th day of October 2010.

Jody L. Atkins (SEAL)
NOTARY PUBLIC

My commission expires 09/30/2013



IN WITNESS WHEREOF the said Grantor, has hereunto set his hand, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

Mark Hickey
Mark Hickey, Trustee

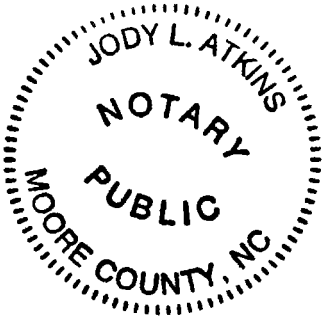
NORTH CAROLINA
MOORE COUNTY

I, JODY L. ATKINS, a Notary Public of the County and State aforesaid, certify that Mark Hickey, as Trustee of New Covenant Fellowship personally appeared before me this day and acknowledged the execution of the foregoing instrument.

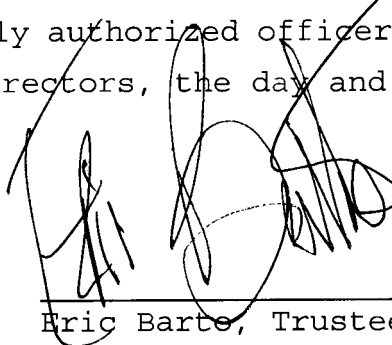
WITNESS my hand and official seal, this 11th day of October 2010.

Jody L. Atkins (SEAL)
NOTARY PUBLIC

My commission expires 09/30/2013.



IN WITNESS WHEREOF the said Grantor, has hereunto set his hand, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.



Eric Barto, Trustee

NORTH CAROLINA

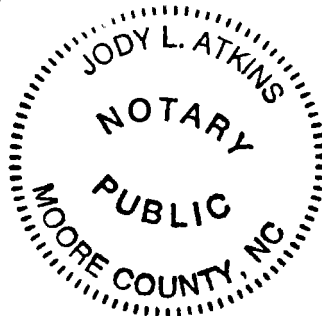
MOORE COUNTY

I, JODY L. ATKINS, a Notary Public of the County and State aforesaid, certify that Eric Barto as Trustee of New Covenant Fellowship personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 11th day of October 2010.

 (SEAL)
NOTARY PUBLIC

My commission expires: 09/30/2013.



MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Transportation Director

DATE: July 10, 2018

SUBJECT: Unified Development Ordinance Text Amendments

PRESENTER: Theresa Thompson

REQUEST

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance:

Bold Text – additions to the ordinance

~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 4 (Zoning Permit), Section 4.2 (Application), Subsection 4.2(A) (Pre-Application Meeting) as follows:
 - A. ~~Pre-Application Project Review Team Meeting~~. To minimize development planning costs, avoid misunderstandings or interpretations, and ensure compliance with the requirements of this Ordinance, a ~~pre-application~~ **Project Review Team** meeting between the developer and planning staff is ~~encouraged~~ **required for all non-residential projects, as determined applicable by the Administrator**. The developer is also ~~encouraged~~ **required** to submit a sketch plan.

REASON. Requires Project Review Team Meetings for non-residential projects, as needed.

2. AMEND Chapter 4 (Zoning Permit), Section 4.3 (Action by the Administrator) as follows:

4.3 Action by the Administrator

If the proposed application is in conformity with the provisions of this UDO, and if all applicable permits have been approved by the Moore County Department of Environmental Health, the Administrator shall issue a zoning permit ~~and mail a copy to the property owner~~, stating: Issuance of a zoning permit shall in no case be construed as waiving any provisions of the UDO, approved plans, specific use standards, and the intended use of such building and land do, in all respects, conform to the provisions of the UDO.

Quarterly UDO Text Amendments – Staff Report

REASON. Removing step of mailing permit by including language in the actual zoning permit approval notes.

3. AMEND Chapter 4 (Zoning Permit), Section 4.4 (Zoning Decision Sign) as follows:

4.4 Zoning Decision Sign

Zoning Decision Sign. The applicant shall post a **sign containing the words “Zoning Decision” in letters at least 6 inches high**, including contact information of the Administrator, on the site **in a prominent location including street frontage**, and provide evidence to the Administrator within 10 days of the permit issuance for new non-residential buildings or changes of use, for a minimum of 10 days to notify the neighbors, or the Zoning Permit shall be null and void.

REASON. Provides clarification of statutory language (NCGS 160A-388).

4. AMEND Chapter 7 (General Development Standards), Section 7.6 (Developments with Multiple Principal Uses) as follows:

7.6 Developments with Multiple Principal Uses

The principal building may include more than 1 principal use though each principal use is subject to applicable regulations for that use. In no case shall there be more than 1 principal building per lot, unless specified elsewhere in this Ordinance such as **through conditional rezoning**, a shopping center, manufactured home park, multi-family complex, or planned unit development.

REASON. Includes developments with multiple uses can be approved through conditional rezonings.

5. AMEND Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection A (Applicability) as follows:

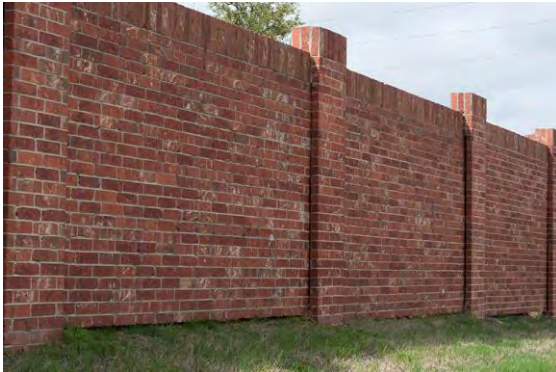
- A. **Applicability.** The standards established in the section are intended to provide adequate buffering between non-residential and residential land uses. Any new development including parking lots or a new use (except agricultural uses, temporary uses, home occupation level 1, neighborhood parks, single family residential, duplexes, and expansions of 250 square feet or less) shall install screening along the side and rear lot lines that abut any residentially zoned property and along any front setback abutting residentially zoned property (not abutting a street right-of-way **or railroad right-of-way**).

REASON. Screening is not required to be installed along a railroad right-of-way due to railroad not being residential property.

6. AMEND Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection D (Screening Types) as follows:

D. Screening Types. Unless specified elsewhere in this Ordinance, the screening shall be one of the following:

Type 1. A 6 foot high ~~attractive blind and opaque barrier, such as a masonry~~ **brick or stone wall, cinder block wall, basket weave chain link fence, or opaque wooden plank fence** (including entrance and exit gates) **as depicted in the example pictures below,** with the finished side of fence facing the adjoining property.



REASON. Removed discretionary language and added pictures and the descriptive words such as “cinder” and “plank” for clarification.

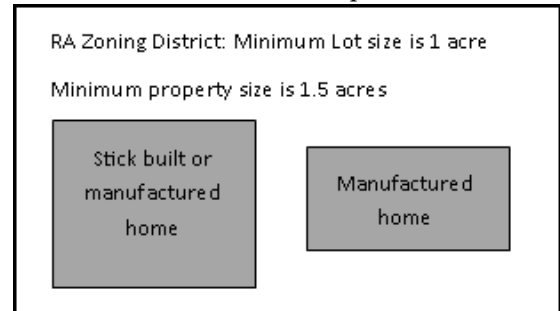
7. AMEND Chapter 8 (Specific-Use Standards), Section 8.6 (Accessory Manufactured Home), Subsection B (Standards) as follows:

A. Definition. An accessory manufactured home located on the same lot as the principal single-family stick-built dwelling OR principal manufactured home.

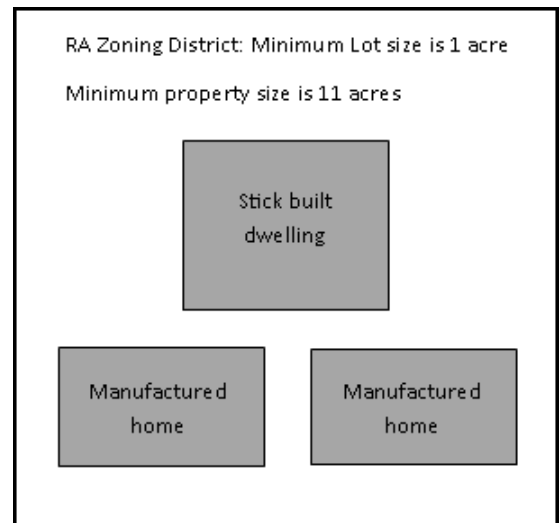
B. Standards.

Example Illustrations:

- a. **There shall be no more than 1 2 accessory manufactured homes per lot.** There shall be a minimum of 1.5 times the minimum lot size requirement for the applicable zoning district for an accessory manufactured home.



- b. **There shall be an additional 10 acres of land beyond the minimum lot size for the applicable zoning district allotted for the 2nd accessory manufactured home, in addition to a stick built dwelling.** Accessory ~~stick-built~~ dwellings shall meet the required principal building setbacks with a minimum separation of 30 feet between any dwellings. An accessory dwelling may be located in the front yard provided it meets the required principal building setbacks. (A lot that existed prior to January 4, 1994 may be developed for single-family residential purposes without being subject to watershed regulations.)



REASON. There may be 2 accessory manufactured homes if a property is a minimum of 10 acres plus the minimum lot size to accommodate rural residential development on larger tracts of land.

8. AMEND Chapter 8 (Specific-Use Standards), Section 8.13 (Manufactured Home), Subsection C (Prohibited) as follows:

C. Prohibited. No manufactured home (mobile home, trailer, manufactured office, etc.) shall be used in any manner for **storage (personal or commercial)**, business, or commercial purposes except when used for a sales office on a manufactured home sales lot, an administrative office for a manufactured home park, or for a temporary use approved by the Administrator.

REASON. Manufactured homes cannot be permitted for storage purposes due to the use being residential.

9. AMEND Chapter 8 (Specific-Use Standards), Section 8.18 (Multifamily Dwellings), Subsection C (Setbacks) as follows:

C. **Setbacks.** All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line. Refer to ~~Section 6.78~~ **the specific use standards** for swimming pool requirements.

REASON. References swimming pool section without the specific section number (subject to change.)

10. AMEND Chapter 8 (Specific Use Standards), Section 8.92 (Amateur Radio and Receive-only Antenna), Subsection C (Supplemental) as follows:

C. **Supplemental.** Operation of an amateur station requires an amateur operator license grant from the FCC. **Proposed towers shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B).**

REASON. Required by state statute NCGS 153A-323(B) stating that the proposed changes requiring notice includes “Changes relating to telecommunications towers.”

11. AMEND Chapter 8 (Specific Use Standards), Section 8.100 (Mini-Warehouse), Subsection B (Standards) as follows:

B. **Standards.** All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line. No business activity other than the rental of storage units shall be conducted on the premises. Outside storage, **with the exception of vehicles, recreational vehicles, and boats**, shall be enclosed by a chain link fence a minimum 6 feet high and shall be limited to 25% of the total area of the site. There shall be a maximum of 10 inoperable vehicles stored outdoors. 1 parking space per 300 square feet.

REASON. Off-street parking lots does not require fencing.

12. AMEND Chapter 10 (Text Amendments & General Use Rezoning), Section 10.2 (Application Process), Subsection A (Submittal) as follows:

A. **Submittal.** Following a required pre-application conference with the Administrator **and a Project Team Review meeting with all departments, as determined necessary by the Administrator**, the completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard. Upon completion of the technical

review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.

REASON. A Project Team Review meeting is a requirement for all new commercial projects. Adding it to the ordinance clarifies the steps for the applicant.

13. AMEND Chapter 10 (Text Amendments & General Use Rezoning), Section 10.3 (Notice of Public Hearings), Subsection D (Fort Bragg Notification) as follows:

- D. **Fort Bragg Notification.** Rezoning requests and text amendments that would change or affect the permitted uses of land located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the ~~Planning Board~~ **Board of Commissioners** public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the ~~Planning Board and~~ Board of Commissioners.

REASON. The statutes only require that RLUAC's comments go before the Board of Commissioners. Staff will still forward their comments to the Planning Board but if the comments are not ready it will not hold up the board approval process. NCGS 160A-323(B) states "If the adoption or modification of the ordinance would result in any of the changes listed in this subsection and those changes would be located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, or by any other written means reasonably designed to provide actual notice, to the commander of the military base or the commander's designee not less than 10 days nor more than 25 days before the date fixed for the public hearing."

14. AMEND Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection A (Submittal) as follows:

- A. **Submittal.** Conditional rezoning applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator **and a Project Team Review meeting with all departments, as determined necessary by the Administrator**, the completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard and shall include the following:

REASON. A Project Team Review meeting is a requirement for all new commercial projects. Adding it to the ordinance clarifies the steps for the applicant.

15. AMEND Chapter 11 (Conditional Rezoning), Section 11.3 (Notice of Public Hearings), Subsection D (Fort Bragg Notification) as follows:

D. Fort Bragg Notification. Rezoning requests and text amendments that would change or affect the permitted uses of land located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the ~~Planning Board~~ **Board of Commissioners** public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the ~~Planning Board and~~ Board of Commissioners.

REASON. The statutes only require that RLUAC's comments go before the Board of Commissioners. Staff will still forward their comments to the Planning Board but if the comments are not ready, it will not delay the board approval process. NCGS 160A-323(B) states "If the adoption or modification of the ordinance would result in any of the changes listed in this subsection and those changes would be located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, or by any other written means reasonably designed to provide actual notice, to the commander of the military base or the commander's designee not less than 10 days nor more than 25 days before the date fixed for the public hearing."

16. AMEND Chapter 11 (Conditional Use Permits), Section 12.2 (Application Process), Subsection A (Submittal) as follows:

A. Submittal. Conditional use permit applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator **and a Project Team Review meeting with all departments, as determined necessary by the Administrator**, the completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard and shall include a site specific development plan prepared in accordance with Section 4.2(C) and proposed phasing, if any, and approximate completion time for the project. Upon completion of the technical review, the Administrator shall prepare and forward the staff report, site plan, and any related application materials to the Planning Board.

REASON. A Project Team Review meeting is a requirement for all new commercial projects. Adding it to the ordinance clarifies the steps for the applicant.

17. AMEND Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection F (NCDOT Approval) as follows:

F. NCDOT approval. If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval. NCDOT may require a traffic impact study. **The required Home Owners Association (HOA) documents and by-laws, to be recorded at the same**

time as the final plat, shall include the following: The HOA shall be responsible for the maintenance of all streets by means of a private road maintenance agreement until the streets are part of the State highway system.

REASON. The responsibility for the maintenance of streets is needed prior to the roads being taken over by the NCDOT.

18. AMEND Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection H (Traffic Signs and Control) as follows:

H. ~~Traffic Signs and Control (including street name signs)~~ **Street Name and Traffic Control Signs.** The applicant shall be required to provide and erect, at the developer's expense, street name signs **per the Moore County Road Names & Addressing Ordinance** and traffic controls ~~signs per the NCDOT Manual on Uniform Traffic Control Devices State and County standards~~ at all intersections within the subdivision **prior to final plat approval.**

REASON. Installation of signs is needed for major subdivision plat approval.

19. AMEND Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection S (Cluster Mailboxes) as follows:

S. Cluster Mailboxes. Appropriate mail receptacles must be provided for the receipt of mail as approved by the Postal Service and other applicable departments. **Cluster mailboxes shall be located outside of the right-of-way and in a HOA maintained area. Approval of installation by the USPS and Building Inspector is required prior to final plat approval.**

REASON. The location of the cluster mailboxes is needed for the preliminary and final major subdivisions plats.

20. AMEND Chapter 18 (Subdivisions), Section 18.6(Preliminary Plat Submittal and Review), Subsection B (Subdivision Review Approval Steps) as follows:

B. Subdivision Review Approval Steps.

1. **Project Review Team Meeting (sketch plan required)**
2. **Infrastructure Meeting (fire flow test results are required)**
3. Preliminary Plat Submittal and Approval
4. The applicant shall post a sign stating "Subdivision Decision"
5. Construction Plan Submittal and Approval (or Improvement Guarantees approved by the Board of Commissioners)
6. Installation and Inspections of Improvements
7. As-Built Drawings Submittal and Approval
8. Final Plat Approval

REASON. Requires initial meetings for staff to review proposed subdivisions.

21. AMEND Chapter 18 (Subdivisions), Section 18.6 (Conservation Design Standards), Subsection C (Dimensional Requirements) as follows:

- C. **Dimensional Requirements.** No minimum lot size, frontage, or depth is required. The required minimum front, side, and rear setback shall be 10 feet and may be reduced to 5 feet when abutting an alley or dedicated open space or reduced to a zero lot line for duplexes. **Minimum setbacks shall meet the fire code separation requirements, as applicable. (Example: Minimum 31 foot separation requires a minimum 16 foot side setback.)**

REASON. Requires minimum setbacks to meet the Fire Code separation standards.

22. AMEND Chapter 18 (Subdivisions), Section 18.6 (Conservation Design Standards), Subsection I (Subdivision Decision Sign) as follows:

- I. **Subdivision Decision Sign.** The applicant shall post a **sign containing the words “Subdivision Decision” in letters at least 6 inches high**, including contact information of the Administrator, on the site **in a prominent location including street frontage**, and provide evidence to the Administrator within 10 days of preliminary plat approval for a minimum of 10 days to notify the neighbors of the subdivision decision, or the plat shall be null and void.

REASON. Provides clarification of statutory language (NCGS 160A-388).

23. ADD Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection E (Marginal Access Streets) as follows:

- E. **Marginal Access Streets.** Where a tract of land to be subdivided adjoins an arterial street, the subdivider shall provide a marginal access street parallel or adjacent to the arterial street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. A maximum of 5 lots may front an arterial street as approved by the NCDOT, on a case by case basis.

REASON. This section was accidentally omitted from the Major Subdivision Chapter in the 2016 UDO Rewrite. This language is being added back for clarity on major subdivision development. Also, prior UDO language restricted major subdivisions from allowing private driveways to front existing roads so language is amended to accommodate up to 5 lots to have frontage on an existing road, if approved by the NCDOT.

24. AMEND Chapter 18 (Subdivisions), Section 18.15 (Subdivision Plat Requirements) as follows:

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Title Block					
Name, address, and telephone # of surveyor	✕	✕	✕	✕	✕
General Information					
Surveyor and/or engineer original signature, seal, & registration #				✕	
Surveyor original signature, seal, & registration #	✕	✕	✕	✕	✕
Tied to nearest street intersection if within 300 feet		✕	✕	✕	✕
Tied to USGS marker if within 2000 feet	✕	✕	✕	✕	✕
Location and description of all monuments, markers and control corners		✕	✕	✕	✕
Minimum 2 control corners present when creating a new road right-of-way	✕	✕	✕	✕	✕
All mapping shall comply with NCGS 47-30	✕	✕	✕	✕	✕
Amenities & Natural Features Layout					
Existing and proposed entrance signs including site triangles and located outside of the ROW				✕	✕
Street Layout					
Location of required street trees (include a detail)				✕	✕

REASON. The preliminary plat can be drawn by an engineer with the same level of detail. The final plat is required to be sealed by a surveyor and will be drawn and recorded to comply with NCGS 47-30. Street trees description is included in notes on the plat so a drawing is not necessary.

25. AMEND Chapter 18 (Subdivisions), Section 18.16 (Subdivision Plat Requirements) as follows:

Type of Certificate or Statement	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Certificate of Survey Accuracy	✕	✕	✕	✕	✕
Review Officer Certification	✕	✕	✕	✕	✕
Septic Suitability Certificate Statement		✕	✕		
NCDOT Div. of Highways District Engineer Certificate				✕	✕

REASON. The preliminary plat is not recorded and does not need surveyor accuracy which is an additional cost. The preliminary plat can be drawn by an engineer with the same details. The final plat is required to be sealed by a surveyor. Septic Suitability is only required for a family plat (typo). NCDOT will sign the same statement at the final plat so it is not necessary to sign the preliminary plat.

26. AMEND Chapter 19 (Definitions), Section 19.2 (Definitions) as follows:

Lot Line, Front. That part of the lot adjacent to **or in close vicinity** to the street right-of-way line or land access easement. **When a lot fronts a street and fronts an access easement the property owner shall have the option to choose the front lot line.**

REASON. Accommodates lots that have double frontage.

27. AMEND Chapter 19 (Definitions), Section 19.2 (Definitions) as follows:

Setback. The required minimum distance between every building ~~or structure~~ from all property lines and/or right-of-way lines ~~and/or easement lines~~ of the lot on which it is located. **Setbacks are not required from easement lines.**

REASON. Existing language was used in the previous ordinance. Properties with easements should not be required to meet setback requirements from each access easement which causes an unnecessary hardship on smaller properties.

28. ADD Chapter 19 (Definitions), Section 19.2 (Definitions) as follows:

Street, Arterial. A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as “major thoroughfares,” “freeways,” “expressways,” etc., and are usually numbered State or Federal Highways. Numbered State Secondary Roads are included in this definition.

REASON. Definition was accidentally omitted from the Major Subdivision Chapter in the 2016 UDO Rewrite. This language is being added back for clarity on major subdivision development.

29. ADD Chapter 19 (Definitions), Section 19.2 (Definitions) as follows:

Street, Marginal Access. A local street which parallels and is immediately adjacent to arterial streets, and which provides access to abutting properties and protection from through traffic.

REASON. Definition was accidentally omitted from the Major Subdivision Chapter in the 2016 UDO Rewrite. This language is being added back for clarity on major subdivision development.

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance.

ATTACHMENTS

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval



MOORE COUNTY
Proposed Text Amendments to Chapters 4, 6, 7, 8, 10, 11, 18, & 19
of the Unified Development Ordinance
July 18, 2018

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed text amendments for the Moore County Unified Development Ordinance (specifically Chapters 4, 6, 7, 8, 10, 11, 18, & 19) and find no conflicts with the recommendations contained in the 2003 and 2008 Joint Land Use Studies.

RLUAC therefore has no issues or concerns with the proposed text amendments to the Moore County Unified Development Ordinance.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities):

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Recommendation 1.7: Support and promote local businesses.

Goal 3: Optimize the Uses of Land Within the County of Moore:

- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

Goal 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

The text amendment is consistent with the Goals listed above due to the compatibility of land use goals supporting local businesses and providing them with a transparent permitting process.

2. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community. It also provides clear guidance through the permitting process.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date